



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Christoph T. Corvin

Serial No.: 09/747,040

Filed: December 22, 2000

For: MEDICAL DIAGNOSTIC
SYSTEM ACQUISITION AND
FINANCING METHOD AND
APPARATUS

§
§ Group Art Unit: 2161
§
§
§ Examiner: Felten, Daniel S.
§
§
§ Atty. Docket: GEMS:0123/YOD/SWA
§ 15-EC-5764
§


RECEIVED
APR 26 2004
GROUP 3600

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION OR MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. 1.6(d) or is being deposited with the U.S. Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

April 13, 2004
Date


Tait R. Swanson

Dear Sir:

**REQUEST FOR INTERVIEW WITH EXAMINER'S SUPERVISOR
AND RESPONSE TO FINAL OFFICE ACTION MAILED FEBRUARY 13, 2004**

In response to the Final Office Action mailed February 13, 2004, Applicant respectfully requests an interview with the Examiner's supervisor. In the first Office Action mailed October 6, 2003, the Examiner indicated a number of claims as allowable if rewritten in independent form. See Paper No. 6, pp. 1 and 5. Specifically, the Examiner provided a statement of reasons for the indication of allowable subject matter, which included loan and lease options recited in claims 14, 25, 26, 31, 32, and 47, and client trade-in data recited in claims 10, 20, 38, and 44. See *id.* In view of this allowable subject matter, the Applicant amended independent claims 1, 17, 33, and 40; canceled dependent claims 10, 20, 38, and 44; and added new independent claims 49-60 to expedite allowance of the present application. The Applicant stresses that all of these independent claims 1, 17, 33, 40, and 49-60 recite features indicated as allowable by the Examiner in this first Office Action. In the Final Office Action mailed February 13, 2004, the Examiner rescinded the previous

indication of allowable subject matter in view of new grounds of rejection. *See* Paper No. 8, p. 2. The Applicant respectfully stresses that the previous claim amendments did not necessitate these new grounds of rejection. According to the M.P.E.P. § 706.07(a), a second or subsequent action on the merits should not be final “where the Examiner introduces a new ground of rejection that is neither necessitated by applicant’s amendment of the claims nor based on information submitted in an Information Disclosure Statement.” M.P.E.P., § 706.07(a). Given that the previous amendments were clearly based on the indication of allowable subject matter, the Applicant believes that the finality of the present Office Action is improper. Therefore, the Applicant respectfully requests removal of the finality of the present Final Office Action. In addition, the Applicant requests reconsideration and allowance of all pending claims in view of the following remarks.